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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FOUR

In re K.P., a Person Coming Under the
Juvenile Court Law.

THE PEOPLE,

Plaintiff and Respondent,

v.

K.P.,

Defendant and Appellant.

B216912

(Los Angeles County
Super. Ct. No. JJ15953)

APPEAL from a judgment of the Superior Court of Los Angeles County,
Robert Ambrose, Referee. Affirmed.

Elizabeth H. Lopez, under appointment by the Court of Appeal, for Defendant and
Appellant.

Edmund G. Brown, Jr., Attorney General, Dane R. Gillette, Chief Assistant
Attorney General, Pamela C. Hamanaka, Assistant Attorney General, Susan D. Martynec
and Lance E. Winters, Deputy Attorneys General, for Plaintiff and Respondent.

K.P. appeals from an order of wardship (Welf. & Inst. Code, § 602) following a finding she committed the crime of second degree robbery (Pen. Code, § 211). Appellant contends the evidence is insufficient to establish that she participated in the robbery. We affirm.

FACTUAL AND PROCEDURAL BACKGROUND

On April 9, 2009, Maria Moreno was walking to catch a bus near 83rd Street and Avalon Boulevard in Los Angeles. Appellant and two other girls were walking about 20 feet in front of Moreno, when two of the girls turned around and approached Moreno. The third girl remained at the bus stop about 10 feet away. One of the girls pulled on Moreno's purse and told her to give them the purse. When Moreno asked why, the girl slapped Moreno on the left side of the face, causing her nose to bleed. The girl then grabbed Moreno's purse, and both girls ran away. Moreno identified appellant as one of the girls who approached her, although not as the one who hit her.

Officer Paul Rodriguez responded to a call about the robbery. When Rodriguez arrived, he pulled over a car in which appellant was riding and ordered everyone in the car to get out so he could speak with them. Rodriguez asked appellant if she was involved in the robbery, and she responded that she would "tell [him] everything." Appellant explained that she witnessed the robbery, stating that, "I was there. I was looking up and down the street. After the robbery occurred, myself and two others ran towards the alley" Appellant then showed Rodriguez where the purse was, in an alley about 250 feet from where the robbery occurred.

A petition was filed under section 602 of the Welfare and Institutions Code, alleging that appellant, who was 16 years old at the time, took personal property from Moreno by means of force and fear, in violation of Penal Code section 211, a felony. Moreno and Rodriguez testified at the May 2009 adjudication hearing.

The court admitted into evidence appellant's statement to the police, which showed that appellant told the police she did not rob Moreno, and that she actually told the other girls not to do so. According to appellant's statement, she "hung back to avoid the conduct of the other two girls," and she attempted to help the police by giving them the gang monikers of the girls who robbed Moreno.

The court found that appellant had committed robbery in violation of Penal Code section 211. The court placed appellant in the care, custody and control of the probation officer and ordered suitable placement, with a maximum confinement period of five years, and gave appellant 24 days of predisposition credit. Appellant filed a timely notice of appeal.

DISCUSSION

Appellant contends the evidence is insufficient to establish that she committed the robbery because the evidence showed that she only observed the crime and did not participate in it.

The standard of review of an insufficiency of the evidence claim is the same in juvenile cases as in adult criminal cases: "we review the whole record in the light most favorable to the judgment to decide whether substantial evidence supports the conviction, so that a reasonable fact finder could find guilt beyond a reasonable doubt. [Citations.]" (*In re Matthew A.* (2008) 165 Cal.App.4th 537, 540.) "'We must presume in support of the judgment the existence of every fact the trier could reasonably deduce from the evidence . . . and we must make all reasonable inferences that support the finding of the juvenile court. [Citation.]" [Citations.]" (*In re Babak S.* (1993) 18 Cal.App.4th 1077, 1089.)

Appellant relies on *People v. Stankewitz* (1990) 51 Cal.3d 72 to argue that the evidence does not establish her liability as an accomplice to the robbery. Viewing the evidence in the light most favorable to the judgment, the evidence indicates that appellant

was one of the people who approached Moreno when her purse was taken. Appellant contends, however, that her mere presence during the robbery is not sufficient to sustain the finding that she committed the robbery.

Appellant correctly points out that her presence at the scene of the crime or her failure to prevent its commission is not sufficient to establish that she aided and abetted the crime. (*People v. Stankewitz, supra*, 51 Cal.3d at p. 90.) “Whether a person has aided and abetted in the commission of a crime is a question of fact, and on appeal all conflicts in the evidence and attendant reasonable inferences are resolved in favor of the judgment. [Fn. omitted.] Among the factors which may be considered in determining aiding and abetting are: presence at the crime scene, companionship, and conduct before and after the offense. [Fn. omitted.]” (*In re Juan G.* (2003) 112 Cal.App.4th 1, 5 (*Juan G.*)). “In addition, flight is one of the factors which is relevant in determining consciousness of guilt. [Citation.]” (*In re Lynette G.* (1976) 54 Cal.App.3d 1087, 1095.)

The juvenile court admitted appellant’s statement to the police into evidence, and this statement indicated that appellant did not participate in the robbery and tried to dissuade her companions from robbing Moreno. However, the court also heard Moreno’s testimony and found her credible. Moreno testified that appellant was one of the people who approached her to ask for her purse. Moreno also testified that the two girls who approached her were blocking her path and that they fled after one of the girls hit her and took her purse. Appellant’s “presence at the crime scene, companionship, and conduct before and after the offense,” including her flight from the scene, establish that the juvenile court reasonably could deduce from the evidence that appellant participated in the robbery, despite her denial of responsibility for the incident. (*Juan G., supra*, 112 Cal.App.4th at p. 5.)

The court's decision to sustain the petition indicates that the court rejected appellant's version of the incident. "This determination of credibility shall not be disturbed on appeal. [Fn. omitted.] The function of an appellate court is not to reweigh the evidence and substitute its judgment for that of the juvenile court. [Fn. omitted.]" (*Juan G.*, *supra*, 112 Cal.App.4th at p. 6.)

DISPOSITION

The judgment is affirmed.

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SUZUKAWA, J.

We concur:

EPSTEIN, P.J.

MANELLA, J.